

## **Remarks**

This Response is considered fully responsive to the Office Action mailed 29 March 2010. Claims 1-51 were pending in the application. Claims 1-25 and 51 have been allowed. Claims 26-50 stand rejected. In this Response, claims 26-50 are amended. Reexamination and reconsideration are requested.

## **Rejections Under 35 U.S.C. § 101**

The Office has rejected claims 26-50 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. More specifically, the Office asserts that “a transitory, propagating signal . . . is not a ‘process, machine, manufacture, or composition of matter’,” and that the broadest reasonable interpretation of claims 26-50 includes such a signal. The Office suggests amending the claims to include “non-transitory tangible computer readable storage media” to overcome the rejections under 35 U.S.C. § 101.

While the Applicant respectfully disagrees with the Office’s interpretation of the features of claims 26-50 in light of the requirements of 35 U.S.C. § 101, the Applicant has chosen to amend claims 26-50 as proposed by the Office in order to expedite prosecution. As such, claim 26 now recites, “[o]ne or more non-transitory tangible computer readable media” and claims 27-50 recite, “[t]he non-transitory tangible computer readable media of claim . . . .” Further, the “non-transitory tangible computer readable media” of claims 26-50 are intended to comprise all computer-readable media, with the sole exception being transitory, propagating signals (e.g., carrier waves).

Accordingly, the Applicant respectfully requests that the rejections of claims 26-50 be withdrawn and a Notice of Allowance be issued in due course.

## **Allowed Claims**

Claims 1-25 and 51 have been allowed, for which the Applicant thanks the Examiner.

## **Conclusion**

Claims 1-51 are currently pending in the application. The Applicant has fully responded to each and every rejection in the Office action dated 29 March 2010 and believes that claims 1-51 are in a condition for allowance. The Applicant therefore requests that a timely Notice of Allowance be issued in this case.

The Applicant believes no other fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 50-3199 as necessary.

If the Examiner believes any issues could be resolved via a telephone interview, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: June 9, 2010

/Eric R. Drennan/

Eric R. Drennan  
Registration No. 59,099  
USPTO Customer No. 45346

Hensley Kim & Holzer, LLC  
1660 Lincoln Street, Suite 3000  
Denver, Colorado 80264  
Tel: 720-377-0770  
Fax: 720-377-0777